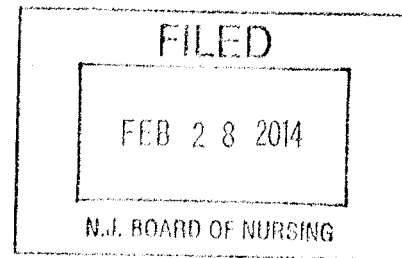


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF:	:	
	:	FINAL ORDER OF DISCIPLINE
KERMEKA D. BELCHER, C.H.H.A.	:	
LICENSE NO. 26NH07752000	:	
	:	
TO PRACTICE AS A HOME HEALTH AIDE	:	

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kermeka D. Belcher ("Respondent") is the holder of certificate number 26NH07752000 and has been certified at all times hereto.

2. On or about March 8, 2013, the Board sent an inquiry to Respondent's address of record, via regular and certified mail with return receipt requested. Respondent was arrested for N.J.S.A. 2C:35-10(a) (1), Possess a Controlled Dangerous Substance/Analog, N.J.S.A. 2C:35-10(c), Failed to give Controlled Dangerous Substance to Police, and N.J.S.A. 2C:36-2, Possess Drug Paraphernalia. The Board requested a legible copy of the municipal court complaint and disposition, the status of the case if it is still pending, a copy of the indictment if applicable, proof of probation or fines paid if applicable, a copy of the police report, the name and address of Respondent's current employer and a narrative statement from Respondent.. A response was due within twenty (20) days. The regular mailing was not returned; the certified mail receipt was signed by a third party and returned to the Board.

3. By facsimile sent on March 20, 2013, Respondent provided a brief narrative statement in response to the Board's letter of inquiry.

#### CONCLUSIONS OF LAW

Respondent's failure to respond fully to the Board's letter constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 & 1.3.

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's certification to practice as a homemaker-home health aide in the State of New Jersey and a fine of \$200.00 was entered on October 26, 2013. A copy was forwarded to Respondent's last known address by means of both regular and certified mail. The regular mailing was not returned and the certified mail was delivered and signed for by a third party. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline, furnishing a response to the letter of inquiry. On or about November 21, 2013, her attorney sent a letter to the Board stating that the charges against Respondent were dismissed because the prosecutor recognized that the controlled dangerous substances did not belong to Respondent. Respondent's attorney furnished the Board with a copy of the disposition of charges, complaint and

police report. By facsimile sent on January 30, 2014, Respondent provided the Board with information regarding her current employment.

In light of Respondent's response to the Provisional Order of Discipline, the Board determined that the suspension, provisionally ordered by the Order, is no longer appropriate. However, the Board sustains the \$200.00 civil penalty based on Respondent's failure to cooperate.

After receiving a flagging notice indicating that Respondent was arrested by the Glassboro Police Department, a letter of inquiry was sent to Respondent on or about March 8, 2013. Although Respondent responded to the demand on March 20, 2013, her response was incomplete and provided only a narrative regarding the underlying conduct which gave rise to the crime. The Provisional Order of Discipline was not filed until October 26, 2013, more than six months later. Respondent's attorney replied almost a month later and Respondent provided the information regarding her current employment on January 30, 2014, more than three months after the filing of the Provisional Order of Discipline. The Board finds that an order should not be required to elicit a response from a licensee to a Board request for information because, if a licensee can, with impunity, delay responding to Board inquiries without any penalties, the Board will be hampered from performing its functions. Respondent's written response was received only after

the Board contemplated taking disciplinary action against her license. As a certificate holder, Respondent remains responsible for ensuring that all Board inquiries are answered in a timely fashion. For this reason, it is warranted that the civil penalty of \$200.00 be imposed but the suspension of Respondent's license is not warranted and will not be imposed.


ACCORDINGLY, IT IS on this <sup>28<sup>th</sup></sup> day of February, 2014,

ORDERED that:

1. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of entry of this order is served in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By:  Ph.D., APN  
Patricia Murphy, Ph.D., APN  
President